

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2007 APR 26 AM 8:39

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY

CHARLES EDWARD LINCOLN, III
AND JOHN HENRY FRANKS,

PLAINTIFFS,

V.

GREG ABBOTT, TEXAS ATTORNEY
GENERAL, THE HONORABLE
JAMES F. CLAWSON, MICHAEL P.
DAVIS, JANA DUTY, WILLIAMSON
COUNTY ATTORNEY, JAMES
RANDALL GRIMES, THE HONORABLE
MICHAEL JERGINS, LAURIE J. NOWLIN,
THE HONORABLE B.B. SCHRAUB,
JAMES CARLTON TODD, WILLIAMSON
COUNTY, TEXAS, TEXAS STATE
JUDGES MICHAEL JOE 1-N, TEXAS
ATTORNEYS JAMES JOE 1-N,

DEFENDANTS.

§ CAUSE NO. A-06-CA-838-LY

ORDER

Before the Court is Plaintiffs' Motion for Leave to File Third Amended Complaint in Class Action for Civil Rights Violations re: Williamson County Courts filed March 6, 2007 (Clerk's Document 69), Defendants Grimes and Davis's response filed March 9, 2007 (Clerk's Document 70), and Defendants Abbott, Todd, Clawson, and Schraub's response filed March 19, 2007 (Clerk's Document 75). As Plaintiffs have not complied with the local rules of this Court in filing their motion to amend, the Court will dismiss the motion.

The local rules provide:

Conference Required. The Court may refuse to hear or may deny a nondispositive motion unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in

a good-faith attempt to resolve the matter by agreement and, further, certifies the specific reason(s) that no agreement could be made. . . . Movants are encouraged to indicate in the title of the motion whether the motion is opposed. A motion is unopposed only if there has been an actual conference with opposing counsel and there is no opposition to the relief requested.

U.S. Dist. Ct., W.D. Tex, Loc. R. CV-7. Plaintiffs's motion fails to verify that Plaintiffs made a "good-faith attempt" to resolve their request to amend their complaint by agreement prior to filing their motion. *Id.* Instead, Plaintiffs contend that this Court's conference requirement is "utterly and completely futile." This Court has not relieved Plaintiffs of the express mandate of the local rules. The Court emphasizes that the parties are instructed to attempt to reach agreement on motions before requesting relief from the Court. The Court will therefore strike Plaintiffs' motion from the record. Upon conformance with the local rules, Plaintiffs may reurge their arguments regarding the third amendment of their complaint.

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Leave to File Third Amended Complaint in Class Action for Civil Rights Violations re: Williamson County Courts (Clerk's Document 69) is **STRICKEN** from the record.

SIGNED this 25th day of April, 2007.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE